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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,834	07/01/2003	Chih-Ching Hsien	PUSA030609	6784

7590 12/28/2004
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EXAMINER

JOHNSON, JERROLD D

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,834

Applicant(s)

HSIEN, CHIH-CHING

Examiner

Jerrold Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 11 and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al., US Patent 6,695,142.

Chen discloses a tool box, comprising: a main body formed with a plurality of receiving recesses; and a plurality of sockets each mounted in a respective one of the receiving recesses, wherein each of the receiving recesses has a first wall formed with a first locking portion and a second wall formed with a second locking portion; and each of the sockets has a first end locked on the first locking portion of the respective receiving recess and a second end locked on the second locking portion of the respective receiving recess.

With respect to claim 2, the first end of each of the sockets is formed with a first hole to receive the first locking portion of the respective receiving recess, and the second end of each of the sockets is formed with a second hole to receive the second locking portion of the respective receiving recess.

With respect to claim 3, the first locking portion of each of the receiving recesses is provided with a semi-circular first locking block locked in the first hole of the first end of the respective socket. Chen shows a semi-circular cross section, in Fig. 4 and semi-circular shapes in Fig. 6-10.

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With respect to claim 11, the first locking portion of each of the receiving recesses is provided with an arc-shaped first locking plate locked in the first hole of the first end of the respective socket. Note that arc denotes a portion of a circle, which is clearly shown in the different configurations of Chen.

With respect to claim 15, the first hole of the first end of each of the sockets has a square shape.

With respect to claim 16, the first hole of the first end of each of the sockets has a hexagonal shape.

With respect to claim 17, the main body is a top cover.

With respect to claim 18, the main body is a bottom cover.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 11, 15, 16, and 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Lee, US Patent 6,454,092.

Lee discloses a tool box, comprising: a main body formed with a plurality of receiving recesses; and a plurality of sockets each mounted in a respective one of the receiving recesses, wherein each of the receiving recesses has a first wall formed with a first locking portion and a second wall formed with a second locking portion; and each of the sockets has a first end locked on the first locking portion of the respective receiving recess and a second end locked on the second locking portion of the respective receiving recess.

With respect to claim 2, the first end of each of the sockets is formed with a first hole to receive the first locking portion of the respective receiving recess,

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and the second end of each of the sockets is formed with a second hole to receive the second locking portion of the respective receiving recess.

With respect to claim 3, the first locking portion of each of the receiving recesses is provided with a semi-circular first locking block locked in the first hole of the first end of the respective socket. Lee shows a semi-circular shape, in Fig. 2.

With respect to claim 11, the first locking portion of each of the receiving recesses is provided with an arc-shaped first locking plate locked in the first hole of the first end of the respective socket. Note that arc denotes a portion of a circle, which is clearly shown in the configurations of Lee.

With respect to claim 15, the first hole of the first end of each of the sockets has a square shape.

With respect to claim 16, the first hole of the first end of each of the sockets has a hexagonal shape.

With respect to claims 17 and 18, the main body is suitable for use as a top cover or a bottom cover.

Claims 1-3, 11, 12, and 15-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Lai, US Patent 6,644,474.

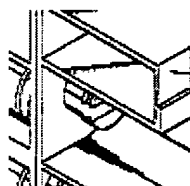
Lai discloses a tool box, comprising: a main body formed with a plurality of receiving recesses; and a plurality of sockets each mounted in a respective one of the receiving recesses, wherein each of the receiving recesses has a first wall formed with a first locking portion and a second wall formed with a second locking portion; and each of the sockets has a first end locked on the first locking

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portion of the respective receiving recess and a second end locked on the second locking portion of the respective receiving recess.

With respect to claim 2, the first end of each of the sockets is formed with a first hole to receive the first locking portion of the respective receiving recess, and the second end of each of the sockets is formed with a second hole to receive the second locking portion of the respective receiving recess.

With respect to claim 3, the first locking portion of each of the receiving recesses is provided with a semi-circular first locking block locked in the first hole of the first end of the respective socket. See Fig. 2, which shows two semi-circular first locking blocks locked in the first hole of the first end of the respective socket.



With respect to claim 11, the first locking portion of each of the receiving recesses is provided with an arc-shaped first locking plate locked in the first hole of the first end of the respective socket. Note that arc denotes a portion of a circle, which is clearly shown in the different configurations of Lai.

With respect to claim 12, the first locking plate of the first locking portion of each of the receiving recesses has a first end extended from the first wall and a second end formed with a first gap (which separates it from the other arc shaped locking plate), so that first locking plate is flexible.

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With respect to claim 15, the first hole of the first end of each of the sockets has a square shape.

With respect to claim 16, the first hole of the first end of each of the sockets has a hexagonal shape.

With respect to claim 18, the main body is a bottom cover.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 11 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Chao, US Patent 6,109,437.

Chao discloses a tool box, comprising: a main body formed with a plurality of receiving recesses; and a plurality of sockets each mounted in a respective one of the receiving recesses, wherein each of the receiving recesses has a first wall formed with a first locking portion and a second wall formed with a second locking portion; and each of the sockets has a first end locked on the first locking portion of the respective receiving recess and a second end locked on the second locking portion of the respective receiving recess.

With respect to claim 2, the first end of each of the sockets is formed with a first hole to receive the first locking portion of the respective receiving recess, and the second end of each of the sockets is formed with a second hole to receive the second locking portion of the respective receiving recess.

With respect to claim 3, the first locking portion of each of the receiving recesses is provided with a semi-circular (in cross section) first locking block locked in the first hole of the first end of the respective socket in Fig. 3-4.

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With respect to claim 11, the first locking portion of each of the receiving recesses is provided with an arc-shaped first locking plate locked in the first hole of the first end of the respective socket. Note that arc denotes a portion of a circle, which is clearly shown in the different configurations of Chao.

With respect to claim 15, the first hole of the first end of each of the sockets has a square shape.

With respect to claim 16, the first hole of the first end of each of the sockets has a hexagonal shape.

With respect to claim 17, the main body is a top cover.

With respect to claim 18, the main body is a bottom cover.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

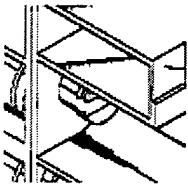
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 4-10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Chen et al., Chao, or Lee in view of Lai.

As stated above each of the Patents Chen et al., Chao, and Lee disclose the claimed features of claims 1-3, 11, and 15-18. Each of these references disclose a single semi-circular locking block (locking plate) locked on a periphery (the inner periphery) of the first and second hole of respective socket. None of these references, however, disclose two (semi-circular) locking blocks (plates) locked on a periphery of the second hole of the second end of the respective socket.

Lai teaches two (semi-circular) locking blocks (locking plates) locked on a periphery (again, the inner periphery) of the first hole of the first end of the respective socket. Lai further teaches that the two locking blocks are spaced from each other, forming a separating gap between the two locking blocks, and imparting flexibility to the two locking blocks. There is also a locking groove



disposed at the end of the locking blocks. The locking blocks have an arc (partial circular) shape.

With respect to claims 4 and 7, it would have been obvious to one of ordinary skill in the art to modify the single locking blocks of Chen et al., Chao, or Lee, with the two (semi-circular) locking blocks as taught by Lai, as the two locking block arrangement provides a greater degree of frictional retention of the locking blocks within the inner periphery of the socket.

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With respect to claims 5,6,9,and 10, it would have been obvious to one of ordinary skill in the art to modify the single second locking blocks of Chen et al., Chao, or Lee, with the two arc-shaped (semi-circular) locking blocks as taught by Lai, as the two locking block arrangement with two spaced apart locking blocks again provides a greater degree of frictional retention of the locking blocks within the inner periphery of the socket, by allowing the two locking blocks to flex toward each other during insertion of the socket, and away from each other after insertion.

With respect to claim 8, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the single locking blocks of Chen et al., Chao, or Lee, with the two (semi-circular) locking blocks as taught by Lai, as the two locking block arrangement with two spaced apart locking blocks having a locking groove therein provides a greater degree of frictional retention of the locking blocks within the inner periphery of the socket.

With respect to claim 12, Lai discloses a first (and second) arc shaped locking plate of the first locking portion of each of the receiving recesses. The first arc shaped locking plate has a first end extended from the first wall and a second end formed with a first gap (which separates it from the second arc shaped locking plate), so that first (and second) locking plate is flexible.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the single first locking blocks of Chen et al., Chao, or Lee, with the locking plates as taught by Lai, as the flexible locking plates provide a greater degree of frictional retention of the locking blocks within the inner

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periphery of the socket, and also provide a greater ease of insertion of the socket.

With respect to claim 13, Lai discloses a first and second arc-shaped locking plates of the first locking portion of each of the receiving recesses.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the single second locking blocks of Chen et al., Chao, or Lee, with the first and second arc-shaped locking plates as taught by Lai, as the flexible locking plates provide a greater degree of frictional retention of the locking blocks within the inner periphery of the socket, and also provide a greater ease of insertion of the socket.

With respect to claim 14, Lai discloses a first and second arc shaped locking plate of the first locking portion of each of the receiving recesses. The first and second arc shaped locking plates have a first end extended from the first wall and a second end formed with a first gap (which separates it from the other arc shaped locking plate), so that first (and second) locking plates are flexible.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the single first locking blocks of Chen et al., Chao, or Lee, with the locking plates as taught by Lai, as the flexible locking plates provide a greater degree of frictional retention of the locking blocks within the inner periphery of the socket, and also provide a greater ease of insertion of the socket.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jdj



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